

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**KARLA RODRIGUEZ**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 1:20-cv-243-LG-RHW**

**FUJI JAPANESE STEAKHOUSE &  
SUSHI BAR INC.**

**DEFENDANT**

**COMPLAINT  
JURY TRIAL DEMANDED**

**COMES NOW** the Plaintiff, Karla Rodriguez, by and through her counsel, Watson & Norris, PLLC, and files this action to recover damages for violations of her rights under the Fair Labor Standards Act against Defendant Fuji Japanese Steakhouse & Sushi Bar Inc. In support of this cause, the Plaintiff would show unto the Court the following facts to-wit:

**PARTIES**

1. Plaintiff Karla Rodriguez is an adult female citizen of Harrison County, Mississippi.
2. Defendant Fuji Japanese Steakhouse & Sushi Bar Inc., is incorporated in the State of Mississippi, licensed to do business in the State of Mississippi, and may be served with process by serving its registered agent: Eric Yonghui Wang at 2650 Beach Boulevard, Suite 101, Biloxi, Mississippi 39531.

**JURISDICTION AND VENUE**

3. This court has federal question jurisdiction.
4. This Court has personal and subject matter jurisdiction over the Defendant and venue is proper in this Court.

### **STATEMENT OF THE FACTS**

5. Plaintiff was hired by Defendant on July 25, 2018 as a chef and is still currently employed.

6. Plaintiff works approximately eleven (11) to twelve (12) hours per shift. Plaintiff typically arrives to work at 10:30 a.m. and leaves work between 9:30 p.m. to 10:30 p.m.

7. On average, Plaintiff works five (5) to six (6) days per week, which amounts to approximately sixty (60) hours per week.

8. Defendant pays plaintiff \$73.00 in cash each day, amounting to approximately \$6.64 per hour, which is below the federal minimum wage amount of \$7.25.

9. Not only has Defendant failed to pay Plaintiff the federally mandated minimum wage, Defendant has also failed to pay overtime wages, a rate of one and one-half times minimum wage.

10. From July 25, 2018, to July 9, 2020, Defendant has failed to pay Plaintiff \$18,931.20 in overtime wages alone.

11. So for 102 weeks, Defendant has failed to pay Plaintiff the following just for the overtime hours that she has worked:  $\$7.25 + (\$7.25/2) = \$10.88$  OT per hour |  $(\$10.88 \times 20 \text{ hours per week}) \times 102 \text{ weeks} = \$22,185.00$

12. Defendant pays Plaintiff in cash bi-weekly and does not issue pay stubs recording the amount paid to Plaintiff nor does Defendant pay FICA taxes or make federal and state tax withholdings as required by law.

### **CAUSE OF ACTION**

#### **COUNT I: VIOLATION OF THE FAIR LABOR STANDARDS ACT**

13. Plaintiff alleges and incorporates all averments set forth in paragraphs 1

through 14 above as if fully incorporated herein.

14. Plaintiff is entitled to a minimum wage of \$7.25 per hour for the first forty hours of each workweek.

15. Plaintiff is a non-exempt employee and subject to the provisions of the Fair Labor Standards Act as it pertains to whether or not Plaintiff is entitled to overtime pay for all overtime hours worked.

16. Plaintiff is considered non-exempt as she is paid only straight time for all hours worked and is not even paid minimum wage for the first forty hours worked each work week. This is considered a minimum wage violation under the FLSA.

17. The Fair Labor Standards Act requires that employees be paid at least minimum wage of \$7.25 per hour for the first forty hours worked each workweek and an overtime premium at a rate not less than one and one-half (1 ½) times the regular rate at which they are employed for all hours in excess of forty (40) hours in a work week. 29 U.S.C. § 207(a).

18. Plaintiff has not been paid minimum wage and overtime compensation under the Fair Labor Standards Act at a rate of 1 ½ her regular rate of pay.

19. The acts of the Defendant constitute a willful intentional violation of the Fair Labor Standards Act.

### **PRAYER FOR RELIEF**

**WHEREFORE PREMISES CONSIDERED**, Plaintiff respectfully prays that upon hearing of this matter by a jury, the Plaintiff be granted the following relief in an amount to be determined by the jury:

1. Unpaid minimum wages owed;
2. Unpaid overtime compensation owed;
3. Liquidated Damages;

6. Attorney's fees;
7. Costs and expenses; and
8. Any other relief to which she may be properly entitled under the FLSA.

THIS the 21<sup>st</sup> day of July 2020.

Respectfully submitted,

KARLA RODRIGUEZ, PLAINTIFF

By: /s/ Louis H. Watson, Jr.  
Louis H. Watson, Jr. (MB# 9053)  
Nick Norris (MB#101574)  
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